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EXAMINER PHAM, MICHAEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/506,889

Applicant(s)

WATANABE, HARUHIITO

Examiner

MICHAEL PHAM

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Status of claims

1. Claims 1-4 are pending.
2. Claims 1-4 have been examined.

Claim Rejections - 35 USC § 112

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "A transmission origin apparatus" and an "information transmission system" and "different systems", then recites "comprising:" followed by limitations. As a result the scope of the claim is indefinite in regards to which system or apparatus. For the prior art rejections below, the examiner will treat the claims as directed towards the transmission origin apparatus.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites "A transmission destination apparatus" and an "information transmission system" and "different systems". As a result the scope of the claim is indefinite. For the prior art rejections below, the examiner will treat the claims as directed towards the transmission destination apparatus.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites an "information transmission system" "apparatuses" and "different systems". As a result the scope of the claim is indefinite. For the prior art rejections below, the examiner will treat the claims as directed towards the information transmission system.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 claims "A method for recognizing a system" "an system", "different systems". It is unclear whether Applicant is attempting to claim a system or method. It appears applicant's attempt to claim 2 different statutory classes. As a result the scope of the claim is indefinite. For the prior art rejections below, the examiner will treat the claims as directed towards the method.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim 1 recites “a transmission origin apparatus”. However claim 1 fails to contain any computer hardware that is used to implement the apparatus so as to realize the functionality. Contrary to arguments made by some applicants, use of the word “apparatus” does not inherently means that the claim is directed to a machine. Only if at least one of the claimed elements of the apparatus is a physical part of a device can the apparatus as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. Thus the body of claim 1 is merely an abstract idea and is being processed without any computer manipulation. While claim 1 recites transmission origin storage means to which the file to be transmitted is saved, there is no explicit definition of what the origin storage means is. The term can be construed to be software. The transmission origin storage means therefore does not necessitate any form of hardware.

9. Claims 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim 2 recites “a transmission destination apparatus”. However claim 2 fails to contain any computer hardware that is used to implement the apparatus so as to realize the functionality. Contrary to arguments made by some applicants, use of the word “apparatus” does not inherently means that the claim is directed to a machine. Only if at least one of the claimed elements of the apparatus is a physical part of a device can the apparatus as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. Thus the body of claim 2 is merely an abstract idea and is being processed without any computer manipulation. While claim 2 recites transmission destination storage means to which the transmitted file is saved, monitoring means for detecting that a file folder structure..matches a file storage folder structure,

and saving means for saving to the transmission destination storage means, the file transmitted from said transmission origin storage means of the transmission origin apparatus. No explicit definition of transmission destination storage means, monitoring means, saving means for, file folder structure are within the specifications, the terms can be construed to be software therefore they do not necessitate any form of hardware.

10. Claims 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim 3 recites “a information transmission system”. However claim 3 fails to contain any computer hardware that is used to implement the system so as to realize the functionality. Contrary to arguments made by some applicants, use of the word “system” does not inherently

means that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. Thus the body of claim 3 is merely an abstract idea and is being processed without any computer manipulation. While claim 2 recites transmission destination storage means to which the transmitted file is saved, monitoring means for detecting that a file folder structure..matches a file storage folder structure, and saving means for saving to the transmission destination storage means, the file transmitted from said transmission origin storage means of the transmission origin apparatus. No explicit definition of transmission destination storage means, monitoring means, saving means for, file folder structure are within the specifications, the terms can be construed to be software therefore they do not necessitate any form of hardware.

11. Claims 4 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive

material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim 4 recites “a system”. However claim 4 fails to contain any computer hardware that is used to implement the system so as to realize the functionality. Contrary to arguments made by some applicants, use of the word “system” does not inherently means that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. Thus the body of claim 4 is merely an abstract idea and is being processed without any computer manipulation.

12. Claims 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In view of MPEP 2106.IV.B: Determine Whether the Claimed Invention Falls Within An Enumerated Statutory Category and based on Supreme Court precedent and recent Federal Circuit decisions, a 35 USC § 101 process must:

1) be tied to another statutory class (such as a particular apparatus) (*Diamond v. Diehr*, 450 U.S.175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63,70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876))

OR

2) transform underlying subject matter (such as an article or materials) to a different state or thing (*Gottschalk v. Benson*, 409 U.S. 63,71 (1972); and *In re Bilksi*, Appeal No. 2007-1130).

In view of the above reasons, Claim 4 failed to comply with the above 35 USC § 101 requirements 1) or 2), and therefore are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication 2001/0048534, by Tanaka et al. (hereafter Tanaka).

Claim 1:

Tanaka discloses the following claimed limitations:

“transmission origin storage means to which the file to be transmitted is saved; and”
[paragraph 0055, A transmitting/receiving device transmits and receives image data]

“identifying file generating means for generating an identifying file having a unique structure used to identify the transmission origin of the file to be transmitted,”[0088 discloses,

the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 7 discloses, shows a print file. 0086 discloses, receives image files according to the paths recorded in the print file to print images. Accordingly, identifying file (0088, print file) generating means for generating an identifying file (0088, print file) having a unique structure (figure 7, structure of print file) used to identify the transmission origin of the file (path of file) to be transmitted (0086, receives image files)]

“wherein

identification of the transmission origin of the file to be transmitted is made on the basis of a file storage folder structure that has been pre-standardized for both the transmission origin apparatus and a transmission destination apparatus of the information transmission system in order to identify the identifying file contained in the file storage folder structure as an identifying file for a transmission origin, and” [0086 discloses, receives print file from the electronic camera, and then receives the image files according to the paths recorded in the print file to print the images. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 6 discloses shows the structure of directories including image files stored in a storage medium of the electronic camera. Figure 7 discloses, print file. 0070 discloses, reads the designated image data from the storage medium or the memory and converts the image data in a

predetermined format. Figure 1 discloses, view of an electronic camera and printer system.

0093, printer requests directory information from the camera. In response, the camera reads the directory information and transmits it to the printer. The printer stores the directory information in the memory, the nonvolatile memory, or the storage medium, and then determines whether or not the print file is included in the directory. Accordingly, identification of the transmission origin of the file to be transmitted (0088, path of file) is made on the basis of a file storage folder structure that has been pre-standardized (figure 6, directories and 0093-0094) for both the transmission origin apparatus (camera) and a transmission destination apparatus (printer) of the information transmission system (figure 1) in order to identify the identifying file (print file) contained in the file storage folder structure (figure 6) as an identifying file (print file) for a transmission origin (camera)]

“the identifying file in the transmission origin apparatus is identified as an identifying file in a transmission origin when the file structure of the identifying file has the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a transmission origin of the information transmission system, and by which an apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatuses are based on different systems” [0086 discloses, receives print file from the electronic camera, and then receives the image files according to the paths recorded in the print file to print the images. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last.

The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 6 discloses shows the structure of directories including image files stored in a storage medium of the electronic camera. Figure 7 discloses, print file. 0070 discloses, reads the designated image data from the storage medium or the memory and converts the image data in a predetermined format. Figure 1 discloses, view of an electronic camera and printer system. 0093, printer requests directory information from the camera. In response, the camera reads the directory information and transmits it to the printer. 0094, the printer stores the directory information in the memory, the nonvolatile memory, or the storage medium, and then determines whether or not the print file is included in the directory. Accordingly, the identifying file (0088, print file) in the transmission origin apparatus (0088, print file from the electronic camera) is identified as an identifying file (0094, determines whether or not the print file is included) in a transmission origin (0094, printer) when the file structure of the identifying file (0088, print file) has the same file format (figure 6, print file, txt format) and data contents (0098, date and time) as the file format (figure 6, print file, txt format) and data contents (0098, date and time) that have been pre-standardized for an identifying file (0088, print file) in a transmission origin (0086, camera) of the information transmission system (figure 1), and by which an apparatus of the information transmission system (figure 1) that has the pre-standardized file storage folder structure (figure 6) can be identified as an origin of a file (0055, transmitter) that can be transmitted to another apparatus of the information transmission system (figure 1, printer) that has the pre-standardized file storage folder structure (0093-0094, directory), even when both apparatuses are based on different systems (figure 3, camera and figure 5, printer)].

Claim 2:

Tananka discloses the following claimed limitations:

“transmission destination storage means to which the transmitted file is saved;” [paragraph 0055,
A transmitting/receiving device transmits and receives image data]

“monitoring means for detecting that a file storage folder structure in a transmission origin storage means provided in a transmission origin apparatus matches a file storage folder structure that has been pre-standardized for both the transmission origin apparatus and the transmission destination apparatus of the information transmission origin system in order to identify an identifying file contained in the file storage folder structure as an identifying file for a transmission origin; and”[Figure 8 and 0093, discloses after that, the printer requests the directory information from the camera. In response to the request the camera reads the directory information and transmits it to the printer. Figure 1 discloses view of an electronic camera and printer system. Figure 6 discloses, structure of directories. Figure 7 discloses, elements of the print file. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. Accordingly, monitoring (figure 8, directory browse) means for detecting that a file storage folder structure (0093, directory information) in a transmission origin storage (figure 3 elements 94 and 38, storage medium) means provided in a transmission origin apparatus (0093, camera) matches a

file storage folder structure that has been pre-standardized for both the transmission origin apparatus and the transmission destination apparatus (0093, requests/reads directory information from printer/camera) of the information transmission system (figure 1) in order to identify an identifying file (0088, print file) contained in the file storage folder structure (figure 6, directory) as an identifying file for a transmission origin (0088, print file).]

“saving means for saving, to the transmission destination storage means, the file transmitted from said transmission origin storage means of the transmission origin apparatus, when the monitoring means identifies the identifying file as an identifying file in a transmission origin,” [0177 discloses the data transmitting device transmits the print file showing the file names of the image files and the print conditions to the data receiving device; And the data receiving device stores the received print file in the storage medium. 0178 discloses the data transmitting device produces the image file list showing the properties of the image files and the stores the image file list in the storage medium. Accordingly, saving (0177,stores) means for saving, to the transmission destination storage means (0177, receiving device), the file transmitted from said transmission origin storage (0178, stores the image file list in the storage medium) means of the transmission origin apparatus (0178, data transmitting device), when the monitoring means identifies the identifying file (0177, print file) as an identifying file in a transmission origin (0177, print file)]

“wherein

the identifying file in the transmission origin apparatus is identified as an identifying file in a transmission origin when the file structure of the identifying file has the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a transmission origin of the information transmission system, and by which any apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatuses are based on different systems.” [0086 discloses, receives print file from the electronic camera, and then receives the image files according to the paths recorded in the print file to print the images. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 6 discloses shows the structure of directories including image files stored in a storage medium of the electronic camera. Figure 7 discloses, print file. 0070 discloses, reads the designated image data from the storage medium or the memory and converts the image data in a predetermined format. Figure 1 discloses, view of an electronic camera and printer system. 0093, printer requests directory information from the camera. In response, the camera reads the directory information and transmits it to the printer. 0094, the printer stores the directory information in the memory, the nonvolatile memory, or the storage medium, and then determines whether or not the print file is included in the directory. Accordingly, the identifying file (0088, print file) in the transmission origin apparatus (0088, print file from the electronic camera) is identified as an identifying file (0094, determines

whether or not the print file is included) in a transmission origin (0094, printer) when the file structure of the identifying file (0088, print file) has the same file format (figure 6, print file, txt format) and data contents (0098, date and time) as the file format (figure 6, print file, txt format) and data contents (0098, date and time) that have been pre-standardized for an identifying file (0088, print file) in a transmission origin (0086, camera) of the information transmission system (figure 1), and by which an apparatus of the information transmission system (figure 1) that has the pre-standardized file storage folder structure (figure 6) can be identified as an origin of a file (0055, transmitter) that can be transmitted to another apparatus of the information transmission system (figure 1, printer) that has the pre-standardized file storage folder structure (0093-0094, directory), even when both apparatuses are based on different systems (figure 3, camera and figure 5, printer)].

Claim 3:

Tanaka discloses the following claimed limitations:

“a transmission origin apparatus and transmission destination apparatus connected together using a standardized serial interface standard, the transmission origin apparatus” [0077 discloses in case of wire communication, a serial interface format such as the RS-232, RS-422, the USB and the IEEE1394 may be used]

“ comprising:

transmission origin storage means to which the file to be transmitted is saved; and”
[paragraph 0055, A transmitting/receiving device transmits and receives image data]

“identifying file generating means for generating, in the transmission origin storage system, an identifying file having a unique structure used to identify the transmission origin, in addition to the file to be transmitted, identification of the transmission origin and the file to be transmitted being made on the basis of a file storage folder structure that has been pre-standardized for both the transmission origin apparatus and a transmission destination apparatus of the information transmission system in order to identify the identifying file contained in the file storage folder structure and having the unique structure used to identify the transmission origin,” [0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 7 discloses, shows a print file. 0086 discloses, receives image files according to the paths recorded in the print file to print images. Accordingly, identifying file (0088, print file) generating means for generating, in the transmission origin storage system (figure 3), an identifying file having a unique structure used to identify the transmission origin (figure 7, structure of print file includes path of files), in addition to the file to be transmitted (0086, receives image files), identification of the transmission origin and the file to be transmitted being made on the basis of a file storage folder structure (figure 6) that has been pre-standardized for both the transmission origin apparatus and a transmission destination apparatus (0081) of the information transmission system (figure 1) in order to identify the identifying file (0088, print

file) contained in the file storage folder structure (figure 6) and having the unique structure used to identify the transmission origin (figure 7, path of files).]

the transmission destination apparatus comprising:

“the transmission apparatus storage means to which the transmitted file is saved;” [paragraph 0055, A transmitting/receiving device transmits and receives image data]

“monitoring means for detecting that the file storage folder structure in the transmission origin storage means, provided in the transmission origin apparatus, matches the file storage folder structure that has been pre-standardized for both the transmission origin apparatus and the transmission destination apparatus of the information transmission system in order to identify the identifying file contained in the folder structure as an identifying file of a transmission origin; and” [Figure 8 and 0093, discloses after that, the printer requests the directory information from the camera. In response to the request the camera reads the directory information and transmits it to the printer. Figure 1 discloses view of an electronic camera and printer system. Figure 6 discloses, structure of directories. Figure 7 discloses, elements of the print file. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. Accordingly, monitoring (figure 8, directory browse) means for detecting that a file storage folder structure (0093, directory information) in a transmission origin storage (figure 3 elements 94 and 38, storage medium) means provided in a transmission origin apparatus (0093, camera) matches a file storage folder structure that has been pre-standardized for both the transmission origin apparatus and the transmission destination

apparatus (0093, requests/reads directory information from printer/camera) of the information transmission system (figure 1) in order to identify an identifying file (0088, print file) contained in the file storage folder structure (figure 6, directory) as an identifying file for a transmission origin (0088, print file).]

“savings means for saving, to the transmission destination storage means, the file transmitted from said transmission origin storage means when the monitoring means identifies the identifying file as an identifying file of a transmission origin,” [0177 discloses the data transmitting device transmits the print file showing the file names of the image files and the print conditions to the data receiving device; And the data receiving device stores the received print file in the storage medium. 0178 discloses the data transmitting device produces the image file list showing the properties of the image files and the stores the image file list in the storage medium. Accordingly, saving (0177,stores) means for saving, to the transmission destination storage means (0177, receiving device), the file transmitted from said transmission origin storage (0178, stores the image file list in the storage medium) means of the transmission origin apparatus (0178, data transmitting device), when the monitoring means identifies the identifying file (0177, print file) as an identifying file in a transmission origin (0177, print file)]

“wherein the identifying file in the transmission origin apparatus is identified as an identifying file in a transmission origin when the file structure of the identifying file has the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a transmission origin of the information transmission system, and by which

any apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatuses are based on different systems.” [0086 discloses, receives print file from the electronic camera, and then receives the image files according to the paths recorded in the print file to print the images. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 6 discloses shows the structure of directories including image files stored in a storage medium of the electronic camera. Figure 7 discloses, print file. 0070 discloses, reads the designated image data from the storage medium or the memory and converts the image data in a predetermined format. Figure 1 discloses, view of an electronic camera and printer system. 0093, printer requests directory information from the camera. In response, the camera reads the directory information and transmits it to the printer. 0094, the printer stores the directory information in the memory, the nonvolatile memory, or the storage medium, and then determines whether or not the print file is included in the directory. Accordingly, the identifying file (0088, print file) in the transmission origin apparatus (0088, print file from the electronic camera) is identified as an identifying file (0094, determines whether or not the print file is included) in a transmission origin (0094, printer) when the file structure of the identifying file (0088, print file) has the same file format (figure 6, print file, txt format) and data contents (0098, date and time) as the file format (figure 6, print file, txt format) and data contents (0098, date and time) that have been pre-standardized for an identifying file

(0088, print file) in a transmission origin (0086, camera) of the information transmission system (figure 1), and by which an apparatus of the information transmission system (figure 1) that has the pre-standardized file storage folder structure (figure 6) can be identified as an origin of a file (0055, transmitter) that can be transmitted to another apparatus of the information transmission system (figure 1, printer) that has the pre-standardized file storage folder structure (0093-0094, directory), even when both apparatuses are based on different systems (figure 3, camera and figure 5, printer)]

Claim 4:

Tananka discloses the following claimed limitations:

“A folder structure detecting step of detecting a folder structure in transmission origin storage means of a transmission origin apparatus to which the file to be transmitted to transmission destination storage means of a transmission destination apparatus is saved;” [0058, When an inquiry about the structure of directories (folders) including the image files stored in the storage medium is received from the communication device such as the printer, the CPU produces information on the directory structure. Here the origin storage means is the camera. Also, the identifying file includes the structure of folders and the image files as in the source.]

“An identifying file monitoring step of detecting that the folder structure in said transmission origin storage means detected in the folder structure detecting step is a folder structure that has been pre-standardized for the transmission origin and the transmission destination of the information transmission system in order to identify an identifying file

contained in the folder structure and having unique structure used to identify the transmission origin; and” [Figure 8 and 0093, discloses after that, the printer requests the directory information from the camera. In response to the request the camera reads the directory information and transmits it to the printer. 0094, discloses determines whether or not the print file is included in the directory. Figure 1 discloses view of an electronic camera and printer system. Figure 6 discloses, structure of directories. Figure 7 discloses, elements of the print file. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. Therefore, an identifying file (0094, print file) monitoring step of detecting that the folder structure (0093 and figure 8, directory browse) in said transmission origin storage means (figure 3 elements 94 and 38, storage mediums) detected in the folder structure detecting step is a folder structure that has been pre-standardized for the transmission origin and the transmission destination (0093, requests/reads directory information from printer/camera) of the information transmission system (figure 1) in order to identify an identifying file (0094, print file) contained in the folder structure (figure 6, structure of directories) and having a unique structure (figure 7, elements of the print file) used to identify the transmission origin (0088, name of device).]

“A copy activation control step of activating and controlling copy means for copying a file from said transmission origin storage means to the transmission destination storage means when the identifying filed monitoring step identifies the identifying file as an identifying file for a transmission origin,” [paragraph 0107, If the image file is included in the directory, the printer requests the file shown in the print job from the camera. In response to the request, the camera transmits the image file to the printer]

“wherein

The identifying file in the transmission origin apparatus is identified as an identifying file in a transmission origin when the file structure of the identifying file has the same file format and data contents as the file format and the data contents that have been pre-standardized for an identifying file in a transmission origin of the information transmission system, and by which any apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatuses are based on different systems.” [0086 discloses, receives print file from the electronic camera, and then receives the image files according to the paths recorded in the print file to print the images. 0088 discloses, the general information indicates the data and time when the print file was recorded last and the name of the device that recorded the print file last. The information on each print job indicates the path of the file, the type of paper sheets, and number of prints. Figure 6 discloses shows the structure of directories including image files stored in a storage medium of the electronic camera. Figure 7 discloses, print file. 0070 discloses, reads the designated image data from the storage medium or the memory and converts the image data in a predetermined format. Figure 1 discloses, view of an electronic camera and printer system. 0093, printer requests directory information from the camera. In response, the camera reads the directory information and transmits it to the printer. 0094, the printer stores the directory information in the memory, the nonvolatile memory, or the storage medium, and then determines whether or not the print file is included in the directory. Accordingly, the identifying file (0088, print file) in the transmission origin apparatus (0088,

print file from the electronic camera) is identified as an identifying file (0094, determines whether or not the print file is included) in a transmission origin (0094, printer) when the file structure of the identifying file (0088, print file) has the same file format (figure 6, print file, txt format) and data contents (0098, date and time) as the file format (figure 6, print file, txt format) and data contents (0098, date and time) that have been pre-standardized for an identifying file (0088, print file) in a transmission origin (0086, camera) of the information transmission system (figure 1), and by which an apparatus of the information transmission system (figure 1) that has the pre-standardized file storage folder structure (figure 6) can be identified as an origin of a file (0055, transmitter) that can be transmitted to another apparatus of the information transmission system (figure 1, printer) that has the pre-standardized file storage folder structure (0093-0094, directory), even when both apparatuses are based on different systems (figure 3, camera and figure 5, printer)]

Response to Arguments

15. Applicant's arguments filed 3/3/08 have been fully considered but they are not persuasive. Applicant's assert the following directed towards the Tanaka reference (lettered).

A. Remarks page 8, that apparatuses that are based on different systems to transfer/copy files in an information transmission system.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of

the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response, applicant's fail to claim how the systems are different.

B. Applicant's assert Tanaka does not disclose "the file structure of the identifying file has the same file format and data contents as file format and data contents "hat have been pre-standardized for an identifying file in a transmission origin."

In response, the examiner disagrees. Tanaka does disclose the file structure of the identifying file has the same file format and data contents as file format and data contents that have been pre-standardized. The file structure (figure 7) of the identifying file (figure 7, print file) has the same file format (figure 7, directory paths: e.g. image/001vacation) and data contents (figure 7, image files: e.g. DSCF0002.jpg) as file format (figure 6, directory paths: e.g. image/001vacation) and data contents (figure 6, images: e.g. DSCF0002.jpg) that have been pre-standardized (0081, directories names, and 0081, image names)for an identifying file (print file) in a transmission origin (camera).

C. That the print file cannot reasonably be interpreted as being an identifying file having a unique structure used to identify the transmission origin of the file to be transmitted. That in particular there is nothing disclosed in Tanaka regarding the file structure of the identifying file having the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a

transmission origin apparatus of the information transmission system, and by which any apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatus are based on different systems.

First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., identifying file having a unique structure used to identify the transmission origin of the file to be transmitted) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response, the examiner disagrees that the print file cannot be interpreted as being an identifying file having a unique structure used to identify the transmission origin of the file to be transmitted. As seen in figure 7, the print file contains a unique structure which contains information that identifies the image files. 0081, DSCF indicates that the image file is captured by the electronic camera. Therefore, the print file is an identifying file having a unique structure (figure 7, print file) used to identify the transmission origin (DSCF) of the file to be transmitted (fig. 7, DSCF0002.jpg).

In regards Tanaka regarding the file structure of the identifying file having the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a transmission origin apparatus of the information transmission system, and by which any apparatus of the information transmission system that has the pre-standardized file

storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatus are based on different systems. This is disagreed.

The file structure of the identifying file (figure 7, print file) having the same file format (figure 7, directories. E.g. image/0001vacation) and data contents (figure 7, DSCF0002.jpg) as the file format (figure 6, directories) and data contents (figure 6, DSCF0002.jpg) that have been pre-standardized (0081, directories named a certain way, and images named a certain way) for an identifying file (figure 7, print file using same file names and directory names) in a transmission origin apparatus (figure 1 element 10, camera) of the information transmission system (figure 1), and by which any apparatus of the information transmission system (figure 1, camera) that has the pre-standardized file storage folder structure (figure 6, directories. 0081, directories are named and image files are named) can be identified as an origin (0082, 001vacation) of a file (0082, DSCF0002.jpg) that can be transmitted to another apparatus (figure 1 element 40, printer) of the information transmission system (figure 1) that has the pre-standardized file storage folder structure (0083, printer receives print file. Figure 7, print file contains directory structure of pre-standardized names of directories), even when both apparatus are based on different systems (figure 1, camera vs. printer)

D. That all the examiner has established via reference to the different paragraphs of Tanaka is that Tanaka is concerned with image data communication; that however the

examiner has not established that Tanaka discloses the invention recited in the present claims.

In response, the examiner disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

16. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. P./
Examiner, Art Unit 2167

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit
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